

### REMARKS

The Examiner has rejected Claim 33 under 35 U.S.C. 102(b) as being anticipated by admitted prior art. Applicants respectfully traverse the Examiner's rejection and request reconsideration for the following reasons. Applicants respectfully traverse the Examiner's rejection and request reconsideration for the following reasons.

Applicants have amended Claim 33 to more clearly define the invention. Specifically, Claim 33 has been amended to limit the predetermined period of time to a time period of about 0.05 to 0.5 seconds.

The Examiner cites to admitted prior art on page 4 of Applicants' Patent Application. The admitted prior art described on page 4 of Applicants' Patent Application is U.S. Patent No. 4,253,480 to Kessel et al. Kessel et al. teach a conventional method for controlling pressure in a vacuum chamber where the actual pressure in the container is measured and then converted to an electrical signal. The examiner states, "this step would have to set the throttle valve at a predetermined position set point for a period of time for the measuring of the actual pressure."

While the prior art (Kessel et al.) teaches a time period where the throttle valve remains at a previous setpoint, during which time new data is collected, this prior art time period is significantly less than the time period claimed in the present invention.

Specifically, Kessel et al. teach:

The frequency of the valve actuating signals are preferably much greater than the maximum switching frequency of the valve. A valve control frequency of 1 KHz may be utilized in the valves according to the present invention. See Col. 6, lines 24-29.

A valve control frequency of 1 kHz corresponds to a 1 msec (0.001 second) time period between throttle valve updates. Whereas, Applicants claim a time period of 0.05 to 0.5 seconds. It is therefore respectfully urged that a prima facie showing of anticipation or obviousness has not been made.

The Examiner has rejected Claims 1-9, 15-26 and 32 under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art. Applicants respectfully traverse the Examiner's rejection and request reconsideration for the following reasons.

Applicants have amended independent Claims 1 and 18 (from which dependent Claims 2-17 and 19-32 respectively depend) to more clearly define the invention. Specifically, Claims 1 and 18 have been amended to limit the predetermined period of time to a time period of about 0.05 to 0.5 seconds.

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While the prior art (Kessel et al.) teaches a time period where the throttle valve remains at a previous setpoint, during which time new data is collected, this prior art time period is significantly less than the time period claimed in the present invention. Specifically, Kessel et al. teach:

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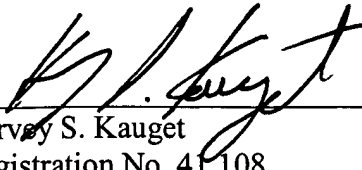
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The Examiner has stated that Claims 10-14 and 27-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 10-12 and 27-29 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims to be placed in allowable form. Claims 13-14 and 30-31 are respectively dependent from amended Claims 12 and 29.

The Examiner has objected to Figures 3-5 because only that which is old is illustrated. The attached corrected drawings in compliance with 37 CFR 1.121(d) are deemed to overcome this objection.

All grounds of rejection having been overcome by the amendments hereinabove, reconsideration and a Notice of Allowance is respectfully requested.

Respectfully submitted,

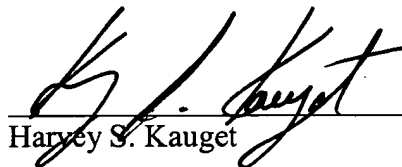


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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing Amendment A was placed in an envelope and mailed via U.S. First Class Mail, postage prepaid to: U.S. Patent and Trademark Office, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this the 21<sup>st</sup> day of April, 2006.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

  
Harvey S. Kauget

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